

### REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments. Claims 1, 2, 4-8 and 10-36 were pending. By this Amendment, claims 1-2 and 36 have been amended and claim 16 has been canceled without prejudice or disclaimer. No new matter has been added. Accordingly, claims 1, 2, 4-8 and 10-15, and 17-36 are pending.

#### Rejection of claim 2 under 35 USC § 112, second paragraph

The Examiner rejected claim 2 for being indefinite. Specifically, the Examiner stated that there is insufficient antecedent basis for the phrase "the backing material for medical purposes." In response, applicants have amended claim 2 which now recites, "A backing material for medical purposes." Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.

#### Rejection of claims 1, 4, 5, 7, 8, 10-18, 20-30, and 33-36 under 35 USC § 103(a) as being obvious in view of Lucast et al in view of Merkle et al and Koketsu et al.

In response, applicants have amended independent claims 1-2 which now have the limitation, "wherein the adhesive composition is sterilized." Dependent claim 16 which stated that the adhesive composition could be sterilized has been canceled. Applicants, assert that the combined disclosures of these three references do not teach or suggest each claim limitation now

present in the independent claims. On page 4 of the August 24, 2004 Office Action, the Examiner stated that "with regards to claims 16 and 36, the adhesive could be sterilized." The Examiner stated this although without any support to this assertion. In any event, applicants have amended independent claims 1 and 2 to state that the adhesive composition is sterilized. These three references do not provide sufficient motivation to one skilled in the art to practice the claimed invention. The combined disclosures of these three references neither teach nor suggest that the adhesive composition must be sterilized. Thus, applicants respectfully request that the Examiner reconsider and withdraw this rejection.

The Examiner also rejected claim 2 as being obvious over Lucast et al in view of Merkle et al and further in view of Wildeman et al.

In response, applicants note that the combined disclosures of these three references neither teach nor suggest all the elements of the claimed invention for the reasons listed above.

The Examiner also rejected claim 6 as being obvious over Lucast et al. in view of Merkle et al and Koketsu and further in view of Bodenschatz.

In response, applicants note that the combined disclosures of these four references neither teach nor suggest all the elements of the claimed invention for the reasons listed above.

The Examiner also rejected claim 19 as being obvious over Lucast et al in view of Merkle et al and Koketsu et al and further in view of Seabold et al.

In response, applicants note that the combined disclosures of these four references neither teach nor suggest all the elements of the claimed invention for the reasons listed above.

The Examiner rejected claims 31 and 32 as being obvious over Lucast et al in view of Merkle et al and Koketsu et al and further in view of Kantner et al.

In response, applicants note that the combined disclosures of these four references neither teach nor suggest all the elements of the claimed invention for the reasons listed above.

The Examiner rejected claims 1, 2, 4-8, and 10-36 as being obvious over Albrod et al in view of Merkle et al.

In response, applicants note that the combined disclosures of these two references neither teach nor suggest all the elements of the claimed invention for the reasons listed above.

Specifically, the combined disclosures of these two references neither teach nor suggest that the adhesive composition is sterilized.

Applicants, therefore, respectfully request that the Examiner reconsider and withdraw all these obviousness rejections.

Early and favorable action is earnestly solicited.

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

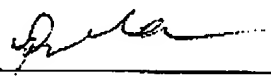
If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,  
NORRIS McLAUGHLIN & MARCUS, P.A.

By

  
Paul Lim  
Attorney for Applicant(s)  
Reg. No. 55,383  
875 Third Avenue - 18<sup>th</sup> Floor  
New York, New York 10022  
Phone: (212) 808-0700  
Fax: (212) 808-0844